

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

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REMARKS

This Amendment and Response is in response to the *Final Office Action* of July 6, 2006, where the Examiner has allowed claims 1, 3, 4, 6, 14, 16, 17 and 19-22, and has rejected claims 5, 7-13, 18 and 23-37. By the present amendment, claims 1, 5, 7-10, 13, 18, 30, 32-34 and 37 have been amended. After the present amendment, claims 1, 3-14, 16-37 remain pending in the present application. An early Notice of Allowance for outstanding claims 1, 3-14, 16-37 in view of the following remarks is requested.

A. Claim Objection

The Examiner has objected to claims for the occurrence of two claims being numbered 36. By the present amendment, applicant has renumbered the second occurrence of claim 36, as claim 37, as suggested by the Examiner.

B. Rejection of Claims 5 and 18 under 35 USC §112, ¶2

The Examiner has rejected claims 5 and 18, under 35 USC §112, ¶2, as being indefinite for appearing to contradict claims 1 and 14, respectively. By the present amendment, applicant has amended claims 5 and 18. As shown above, claims 5 and 18 have been amended to recite “said first protocol is V.44 having a plurality of first parameters and said second protocol is V.44 having a plurality of second parameters, wherein at least one parameter of said plurality of first parameters is different than a corresponding parameter of said plurality of second parameters.”

Applicant respectfully submits that claims 5 and 18, as amended, are consistent with the limitations of claims 1 and 14, respectively, that read “wherein said first protocol differs from

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said second protocol.” Accordingly, applicant respectfully submits that the Examiner’s rejection has been overcome.

C. Rejection of Claims 7-8, 11-13, 23-24, 27-29, 30-32 and 35-37 under 35 USC §103(a)

The Examiner has rejected claims 7-8, 11-13, 23-24, 27-29, 30-32 and 35-37, under 35 USC § 103(a), as being unpatentable over Cave, et al. (US Publication No. 2001/0005372) (“Cave”) in view of Heath (US Publication No. 2002/0009136) (“Heath”).

In rejecting claim 7, the Examiner acknowledges that Cave does not teach “handshaking by said second modem with said first modem to establish a connection; and negotiating a first data compression protocol by said second modem with said first modem, wherein said first data compression protocol is according to said information relating to one of said one or more data compression protocols.” (Office Action, Page 4.) However, the Examiner goes on to state that Heath discloses such limitations at paragraphs [0022, 0027 and 0028]. Applicant respectfully disagrees.

It is respectfully submitted that Heath does not come close to disclosing that “the first data compression protocol” that is used by the second modem (for negotiation with a first modem) is determined from “information relating to one of said one or more data compression protocols” that is received by the second modem from a third modem. It is critical to note that, in claim 7, the “information” is received by the second modem from a third modem, and not from the first modem during the negotiations. In contrast to claim 7, Heath discloses only two modems and Heath’s disclosure is directed at a conventional system, where each modem uses its default setting for determining “the data compression protocol.” The invention of claim 7 is

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quite different in that a second modem uses "the first data compression protocol" settings according to "the information relating to one of said one or more data compression protocols" that is received from a third modem, for negotiations between the first modem and a second modem.

In addition, there is no disclosure, teaching or suggestion in Cave to combine Cave with Heath such that the second modem uses "the first data compression protocol" settings according to "the information relating to one of said one or more data compression protocols" that is received from the third modem, for negotiations between the first modem and a second modem. At best, Cave discloses a network that one type of compressed data is translated into another (i.e. G.711 to G.723) and vice versa. However, there is no disclosure in Cave, whatsoever, that data compression protocol between the two G.711 end devices are in any way based on information received from a device other than the two G.711 end devices. Similarly, there is no disclosure in Cave, whatsoever, that data compression protocol between the two G.723 end devices are in any way based on information received from a device other than the two G.723 end devices. In short, Cave merely relates to translation of one protocol to another.

Accordingly, applicant respectfully submits that claim 7 and its dependent claims 8 and 11-13 should be allowed. Further, at least for the same reasons stated above, independent claims 23 and 30, and their respective dependent claims 24, 27-29, 31-32 and 35-37, should also be allowed.

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D. Rejection of Claims 9-10, 25-26 and 33-34 under 35 USC §103(a)

The Examiner has rejected claims 9-10, 25-26 and 33-34, under 35 USC § 103(a), as being unpatentable over Cave in view of Heath, and further in view of Bruno, et al. (USPN 5,724,355) ("Bruno"). Applicant respectfully disagrees.

It is respectfully submitted claims 9-10, 25-26 and 33-34 depend from claims 7, 23 and 30, respectively, and at least for the same reasons stated above in conjunction with patentability of independent claims 7, 23 and 30, claims 9-10, 25-26 and 33-34 should also be allowed.

E. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1, 3-14, 16-37 pending in the present application is respectfully requested.

Respectfully Submitted,
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